

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER NATHANIEL  
WASHINGTON

No. 2:20-cv-2261 AC P

Plaintiff,

ORDER

v.

RALPH DIAZ, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, seeks relief under 42 U.S.C. § 1983. The action was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 13, 2022, plaintiff notified the court that he wishes to proceed on the claims of the complaint which were found on screening to state a claim for relief. ECF No. 12 (plaintiff's Notice on How to Proceed). Specifically, plaintiff wishes to proceed on his First Amendment retaliation and Eighth Amendment endangerment/failure to protect claims against Defendants Emerson and Codes without amending the complaint. *Id.* Plaintiff acknowledges that this decision constitutes a voluntarily dismissal without prejudice of his claims against Defendants Diaz, Covello, Mesa and Casilla. *Id.*

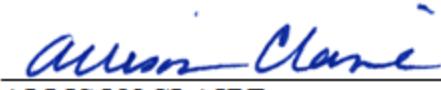
////

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall:

2 1. Construe Plaintiff's Notice on How to Proceed (ECF No. 12) as a VOLUNTARY  
3 DISMISSAL of Defendants Ralph Diaz, Patrick Covello, T. Mesa and E. Casilla pursuant to  
4 Federal Rule of Civil Procedure 41(a)(1)(A)(i), and

5 2. Update the docket accordingly.

6 DATED: January 27, 2022

7   
8 ALLISON CLAIRE  
9 UNITED STATES MAGISTRATE JUDGE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28